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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,653	09/29/2004	Ryan M. Petersen	A4-1840	5652
27127 7590 02/12/2007 HARTMAN & HARTMAN, P.C. 552 EAST 700 NORTH VALPARAISO, IN 46383			EXAMINER NGUYEN, HIEN N	
			ART UNIT	PAPER NUMBER
			2824	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/711,653

Applicant(s)

PETERSEN ET AL.

Examiner

Hien N. Nguyen

Art Unit

2824

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the Election/Response filed on 11/06/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) 18-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17,28-36 and 41-43 is/are rejected.
- 7) ☐ Claim(s) 37-40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 29 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Search Report</u> . |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II in the reply filed on 11/03/06 is acknowledged. The traversal is on the ground(s) that the subcombination of invention I "does require the step/means of adjusting an input voltage delivered by a circuit board to DIMMs (see dependent claims 14, 16, and 17)". This is not found persuasive because it is required a further search of a diversified art.

The requirement is still deemed proper and is therefore made **FINAL**.

2. Claims 18-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Group II.

3. Claims 1-17 and 28-43 are presented for examining.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-3, 6, 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 2-3 (depended on claim 1) are unclear because the examiner does confuse that the term "the supply means" **not defined** in claim 1.

Regarding claim 2 is unclear. The phrase of "the supply means" comprises means for electrically connecting the supply means to an available memory slot of the memory subsystem" is not understood. What does applicant mean? Please, clarify.

6. Claim 2 recites the limitation "the supply means" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 2 recites the limitation "the connecting means" in line 4. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 3 recites the limitation "the supply means" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 3 recites the limitation "the plugging means" in line 3. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 6 recites the limitation "the supply means" in line 3. There is insufficient antecedent basis for this limitation in the claim.

11. Claims 10-16 each recites the limitation "the supply means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2824

13. Claims **1-17, 28-36** and **41-43** are rejected under 35 U.S.C. 102(b) as being anticipated by Wells et al. (U.S. Patent 7,143,298).

As to claims 1-3, 11-16, Wells et al. discloses an apparatus as shown in figures 1-7 comprising: a memory subsystem (memory card (10, column 2, line 30) connected to a motherboard (column 3, lines 10-12); means for (a battery 18, a pump 28, and VRM 22) supplying an input voltage to the memory subsystem (10) at a level (5V) that is higher than a power level provided to the memory subsystem by the motherboard (3.3V), the memory subsystem (10) having pins/terminals (30) connected to a slot of the motherboard to excess of available voltage to the motherboard.

As to claim 28, Wells discloses a method as shown in figures 1-7 comprising the steps of:

electrically connecting a supply means (3.3V) to an available memory slot of the memory subsystem;

electrically connecting a power source (by a cable) to the supply means; and

delivering an input voltage (18, 22, 28) to a memory subsystem (10) with the supply means.

Regarding claims 4-5, Wells discloses the input voltage (18, 22, 28) being in excess of available voltage present on a motherboard within the computer, the excess voltage of the input voltage being of 5V.

As to claim 6, Wells discloses the apparatus further comprises cable (not show, the computer is used cable to connected from the power supply to the computer

Art Unit: 2824

components, for example: a motherboard, memory card etc.) means that delivers a supply voltage from a power source (external battery).

As to claims 7-10, Wells discloses the power source (external battery) is external or within in the computer and comprises an AC/DC converter, DC power source.

As to claims 10, 33, Wells discloses the power source supplies at least five (5) volts, the voltage of the power supply for supplying power has at least 5V, which is well known in the computer technology.

As to claims 17 and 41, Wells discloses the memory subsystem comprises DIMM memory modules (12).

As to claims 29-30, Wells discloses the input voltage (18, 22, 28) is in excess (up to 5V) of available voltage present on a motherboard (3.3V) within the computer.

As to claims 31-32, Wells discloses the power source is external or within (the cable is used to connected from the power supply, for example the outlet or the power supply of the computer to computer components) in the computer.

As to claim 34, Wells discloses the available memory slot is on a motherboard of the computer.

As to claims 35 and 42, Wells further comprises the step of displaying (voltage monitor 34) the input voltage (18, 22, 28) delivered by the supply means to the memory subsystem.

As to claims 36 and 43, Wells further comprise the step of adjusting the input voltage delivered by the supply means to the memory subsystem.

Conclusion

Art Unit: 2824

14. Claims 37-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Dvir et al (6,826,107), Peterson et al (2006/0056215) and Peterson et al (2006/0212645) are cited as of interest

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien N. Nguyen whose telephone number is (571) 272-1879. The examiner can normally be reached on Monday through Thursday 9:30 AM to 7:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Elms can be reached on (571) 272-1869. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2824

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H. Nguyen 
February 1, 2007


SON DINH
PRIMARY PATENT EXAMINER